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Attorneys for Defendants Bhupendra R.  
Patel and Nila B. Patel

**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**(Portland Division)**

**MALBCO HOLDINGS, LLC**, a Washington  
limited liability company,

Civil No. 3:14-cv-947-PK

Plaintiff,

v.

**BHUPENDRA R. PATEL and NILA B. PATEL**,  
husband and wife; **HEETAN B. PATEL; HEETAL**  
**B. PATEL-MANINI; and MUKESH PATEL**,

Defendants.

**DEFENDANTS BHUPENDRA R.  
PATEL'S AND NILA B. PATEL'S  
MOTION TO DISMISS  
MALBCO'S CLAIM FOR  
ATTORNEY FEES AND  
PUNITIVE DAMAGES IN  
SECOND AMENDED  
COMPLAINT**

**ORAL ARGUMENT REQUESTED**

### **L.R. 7-1 CERTIFICATION**

In compliance with L.R. 7-1, the parties made a good faith effort through a telephone conference to resolve the dispute and have been unable to do so.

### **MOTION**

Plaintiff, Malbco Holdings, LLC ("Malbco") brings its claims under Oregon's Uniform Fraudulent Transfer Act ("UFTA"). Malbco filed its initial Complaint on June 11, 2014. [Doc. No. 1] Malbco filed its First Amended Complaint on October 30, 2014. [Doc. No. 24] Then, on May 3, 2016, Malbco filed its Second Amended Complaint ("SAC") which alleges new claims against all defendants under an alleged right to attorney fees and punitive damages under Oregon's UFTA based on the same set of facts as the initial complaint. [Doc. No. 126].

The Patel Parents move to dismiss the new claims for punitive damages and attorney fees that have been added to Malbco's Second Amended Complaint for the same reasons set forth in the Motion to Dismiss Malbco's Claims for Attorney Fees and Punitive Damages in Second Amended Complaint filed by Heetan Patel and Heetal Patel-Manini (the "Patel Children") and incorporate the arguments of the Patel Children as if fully set forth in this motion.

DATED this 18th day of May, 2016.

TONKON TORP LLP

By: s/ Zachary W.L. Wright

Timothy J. Conway, OSB No. 851752

Zachary W.L. Wright, OSB No. 941615

Attorneys for Defendants Bhupendra R. Patel and  
Nila B. Patel

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANTS BHUPENDRA R. PATEL'S AND NILA B. PATEL'S MOTION TO DISMISS MALBCO'S CLAIM FOR ATTORNEY FEES AND PUNITIVE DAMAGES IN SECOND AMENDED COMPLAINT** on the parties listed below:

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Patel and Heetal B. Patel-Manani

- ☒ by electronic means through the Court's Case Management/Electronic Case File system on the date set forth below
- ☒ by causing a copy thereof to be e-mailed to each attorney at said attorney's last-known email address on the date set forth below

DATED this 18th day of May, 2016.

TONKON TORP LLP

By: /s/Zachary W.L. Wright  
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